

Senate File 212 - Introduced

SENATE FILE 212

BY SODDERS, BOWMAN, and BRASE

A BILL FOR

1 An Act concerning the placement of whistle warning signs
2 along railroad tracks, providing a penalty, and including
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 327F.15 Whistle warning signs.

2 1. A railroad company shall erect and maintain a whistle
3 warning sign along a railroad track owned by the railroad
4 company at a distance of approximately one thousand three
5 hundred twenty feet in each direction in advance of each public
6 highway-rail grade crossing where the sounding of a locomotive
7 whistle or bell is required pursuant to 49 C.F.R. § 222.21 or
8 by section 327G.13.

9 a. A sign required under this subsection shall be made
10 of reflective material and stand at least sixty inches above
11 grade.

12 b. A sign required under this subsection shall be visible
13 to both the engineer and the conductor of a train and shall be
14 maintained clear of obstructions.

15 2. An engineer or conductor, or the representative of
16 an engineer or conductor, may report a missing or damaged
17 whistle warning sign by written notice to the department of
18 transportation. Upon receipt of such notice, the department
19 shall notify the appropriate railroad company, and the railroad
20 company shall repair or replace the missing or damaged sign no
21 later than thirty days after being notified by the department.

22 3. This section does not apply to private highway-rail
23 grade crossings or to public highway-rail grade crossings that
24 are subject to a local ordinance banning the sounding of a
25 whistle. For purposes of this section, "*private highway-rail*
26 *grade crossing*" and "*public highway-rail grade crossing*" mean as
27 defined in 49 C.F.R. § 222.9.

28 4. A railroad company found to have violated this section or
29 a rule adopted or order issued pursuant to this section shall
30 be subject to a schedule "two" penalty as provided in section
31 327C.5. Each day that the violation continues constitutes a
32 separate offense.

33 5. The department may adopt rules as necessary to administer
34 this section.

35 Sec. 2. ADOPTION OF ADMINISTRATIVE RULES. The department

1 of transportation shall adopt rules pursuant to chapter 17A to
2 implement section 327F.15, as enacted in this Act.

3 Sec. 3. EFFECTIVE DATE. Except as otherwise provided, this
4 Act takes effect January 1, 2014.

5 Sec. 4. EFFECTIVE UPON ENACTMENT. The following provision
6 or provisions of this Act, being deemed of immediate
7 importance, take effect upon enactment:

8 1. The section of this Act requiring the adoption of
9 administrative rules by the department of transportation.

10 EXPLANATION

11 This bill requires a railroad company to post whistle
12 warning signs along railroad tracks owned by the railroad.
13 A sign must be posted approximately 1,320 feet (one-quarter
14 mile) in each direction in advance of each public highway-rail
15 crossing where the sounding of a locomotive whistle or bell is
16 required pursuant to federal or state law. The signs must be
17 made of reflective material, stand at least 60 inches above
18 grade, be visible to both the engineer and conductor of a
19 train, and be maintained clear of obstructions.

20 A missing or damaged whistle warning sign may be reported by
21 an engineer or conductor by written notice to the department
22 of transportation. Upon receipt of a report, the department
23 shall notify the railroad company of the damaged or missing
24 sign, and the railroad company is required to replace or repair
25 the sign within 30 days of notification. The requirement to
26 post whistle warning signs in advance of public highway-rail
27 crossings does not apply to private highway-rail crossings nor
28 to public highway-rail crossings that are subject to a local
29 whistle ban.

30 A violation of the requirements of the bill is a schedule
31 "two" violation. Pursuant to current law, a schedule "two"
32 penalty is usually imposed on a railroad company for failing to
33 make a repair of railroad facilities ordered by the department.
34 Each day that a violation continues constitutes a separate
35 offense.

1 The department of transportation is required to adopt rules
2 to implement the requirements of the bill.

3 The bill takes effect January 1, 2014, except that the
4 section of the bill requiring the adoption of rules takes
5 effect upon enactment of the bill.